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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,338	11/28/2000	Hang Zhang	PAT 323 - 2	6180

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BORDEN LADNER GERVAIS LLP
WORLD EXCHANGE PLAZA
100 QUEEN STREET SUITE 1100
OTTAWA, ON K1P 1J9
CANADA

EXAMINER

YUFA, ALEKSANDR L

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/722,338

Applicant(s)

ZHANG ET AL.

Examiner

Alex Yufa, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,477, 150 to Maggenti et al. (filed: 03/03/2000)

Referring to claim 1, Maggenti et al. teaches that “...CM 218 may periodically retransmit AYT requests to any registered CD which has not acknowledged receipt of the AYT.” (column 14, lines 13-15), “...The net itself will remain dormant until one or more members trigger the transmission of a PTT request. If CM 218 determines it can grant the PTT request message (i.e., the PTX message) (including performing any necessary arbitration ...)” (column 34, lines 54-58), “...retransmits a second PTT message using the same PTT message ...” (column 30, lines 47, 48), and “...CD 202 may be preprogrammed with a group-list, which defines at least one net-address in which CD 202 is a member. CD 202 can later send a request to the top-level SIP server to update its group list.” (column 10, lines 59-62).

Claims 2-8 depend from respective claim 1, hence inherit the rejection in claim 1. Also, according claims 2-8, Maggenti et al. teaches that “A variety of RLP modification strategies are possible. RLP may be modified to send multiple NAK responses after an initial RLP timeout, thus prompting the remote end to transmit multiple copies of the

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lost RLP frame and improving the chances of a successful RLP recovery.” (column 22, lines 66, 67 and column 23, lines 1-3), “Due to the delays associated in transitioning a CD out of the dormant state to the connected state, CD 202 and/or CM 218 may perform voice buffering to mitigate the transition delay perceived by the user.” (column 35 lines 48-51).

Referring to claim 9, Maggenti et al. teaches that “... a dormant CD 202 may buffer media traffic ...” (column 14, line 5) and “...SIP call-signaling PPP frames exchanged between a cellular-based CD 202 and a base station 216 are encapsulated within the Radio Link Protocol (RLP), a well known wireless protocol for transmitting data over-the-air.” (column 21, lines 25-29).

Claims 10-13 depend from respective claim 9, hence inherit the rejection in claim 9. Also, according claims 10-13, Maggenti et al. teaches that “...communications manager ... comprising: a counter for determining a number of responses to [the] message ...” (column 47, lines 48, 49).

Referring to claim 14, Maggenti et al. teaches that “The choice of CM might instead be determined dynamically, based on proximity to the majority of net participants (determined using available position location techniques), available quality of service on a service providers inter-system network, and other factors., and Maggentu et al discloses that “[the] systems using ... Radios” (column 1, line 17) well known and “ ... have been used ... in order to communicate scheduling information ...” (column 1, lines 18, 19), and “In the case of CDs 202, 204, and 206, the request is transmitted over-the-air to one or more base stations 216. MSC 220 comprises a well-

known Inter Working Function (IWF) (not shown) for processing data packets, including the request, ..." (column 6, lines 52-56).

Claims 15-17 depend from respective claim 14, hence inherit the rejection in claim 14. Also, according claims 15-17 US 6,477, 150 to Maggenti et al. (filed: 03/03/2000) "Radio Link Protocol (RLP), a well known wireless protocol for transmitting data over-the-air." (column 21, lines 27-29).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,477,150 to Maggenti et al. (filed: 03/03/2000) in view of US 6,618,375 to Rezaiifar et al. (filed: 09/13/99).

Maggenti et al. teaches that "CM 218 may periodically retransmit AYT requests..." (column 14, line 13). Maggenti et al. does not explicitly teach and point out to provide the automatic retransmission request, but does not limits or suggests to limit automatic retransmission request, thereby inherently providing possibility for automatic retransmission, and also Rezaiifar et al. teaches that "ARQ (automatic request for retransmission) mechanism, and wherein data packets are sometimes received in an order different from that in which they were transmitted." (column 2, lines 8-11) and "RLP is of a class of error control protocols known NAK-based ARQ protocols, which are well known in the art." (see, for example abstract, and column 2, lines 8-11).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Maggenti et al. with the teaching of Rezaiifar et al. by using the ARQ, because one of ordinary skill in the art would simply use well known principles of automation of the request for retransmission processes in order to provide ARQ.

Conclusion

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with

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all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 6,400,724;

US 5,621,723;

US 4,604,748.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Yufa, Ph.D. whose telephone number is 703-305-0715. The examiner can normally be reached on M-F 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on 703-305-9595. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-2394.

Alex Yufa, Ph.D.
Examiner
Art Unit 2133

Guy J. Lamare
for

Albert DeCady
Primary Examiner

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